

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2398 – HB 2840

March 17, 2010

SUMMARY OF AMENDMENT (015096): Requires ice cream truck owners to require each applicant for a position as an ice cream truck worker to submit to a criminal history records check with the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation (FBI) as a condition of initial employment. The owner is responsible for paying all TBI and FBI fees for conducting the records check. The owner and Department of Agriculture shall keep a copy of the criminal history disclosure form and the results of the inquiry. The Department must notify the appropriate district attorney general of any falsification of information on the disclosure form in writing. Prohibits an ice cream truck worker applicant from being eligible for the position if he or she is required to register as a sex offender for a victim who was a minor or if he or she has been convicted of an assaultive offense, criminal homicide, kidnapping and false imprisonment, robbery, or sexual offense that is a felony under Title 39, Chapter 13. Creates a Class A misdemeanor offense for any person to knowingly employ an individual in violation of the provisions of the bill.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - \$195,600/Recurring
Increase State Expenditures - \$4,400/One-Time
\$415,700/Recurring

Increase Local Revenue – Not Significant
Increase Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$5,000/One-Time
Not Significant/Recurring

Increase Local Revenue – Not Significant
Increase Local Expenditures – Not Significant

Assumptions applied to amendment:

- The Department of Agriculture is responsible for regulating and licensing ice cream trucks. Currently, there are approximately 150 ice cream trucks licensed statewide, but the Department assumes there are more operating without a license.
- It is assumed that the Department will collect and oversee the criminal background checks of at least 150 ice cream truck drivers a year or one for each licensed truck.
- The Department currently charges an annual \$50 licensure fee and performs inspections biannually. According to the Department, this fee does not cover the cost of the ice cream truck inspections and the program is not self-supporting.
- The Department will collect and have available the completed criminal background check forms and will respond to any complaint regarding a worker. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- The Department estimates a one-time increase in expenditures of \$5,000 for modifications to the current computer program to monitor compliance for ice cream truck registrants.
- The ice cream truck owners are required to pay any fees charged by the TBI and FBI for the criminal history background check. The fees charged cannot exceed the cost of the inquiry.
- There will not be a sufficient number of prosecutions for local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/kml